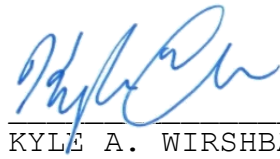


Approved:



KYLE A. WIRSHBA / JOSIAH PERTZ
Assistant United States Attorneys

20 M 7429

Before: THE HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

- - - - - x

UNITED STATES OF AMERICA : SEALED COMPLAINT

- v. -

: Violation of
18 U.S.C. §§ 922(g)(1) and
: 2

NICOLAUS WYNBERG,

Defendant.

: COUNTY OF OFFENSE:
DUTCHESS

- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

DOMINIC S. TRIPPEDO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Unlawful Possession of Ammunition)

1. From in or about February 2020 up to and including in or about July 2020, in the Southern District of New York and elsewhere, NICOLAUS WYNBERG, the defendant, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, ammunition, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent assigned to the Counterterrorism Division of the FBI and I have been personally involved in the investigation of this matter. This affidavit is based on my experience, conversations with other law enforcement officers and others, and examination of reports and records. Because this

affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my involvement in this investigation, my training, experience, and review of reports prepared by law enforcement officers, including the report of an law enforcement interview of a particular witness ("Witness-1") on or about July 14, 2020 and July 15, 2020, I have learned, among other things, the following:

a. Since in or about February 2020, NICOLAUS WYNBERG, the defendant, has lived in a trailer on a property on Aberdeen Lane in Stanfordville, New York (the "Property"). WYNBERG keeps metal working tools inside a shed on the Property.

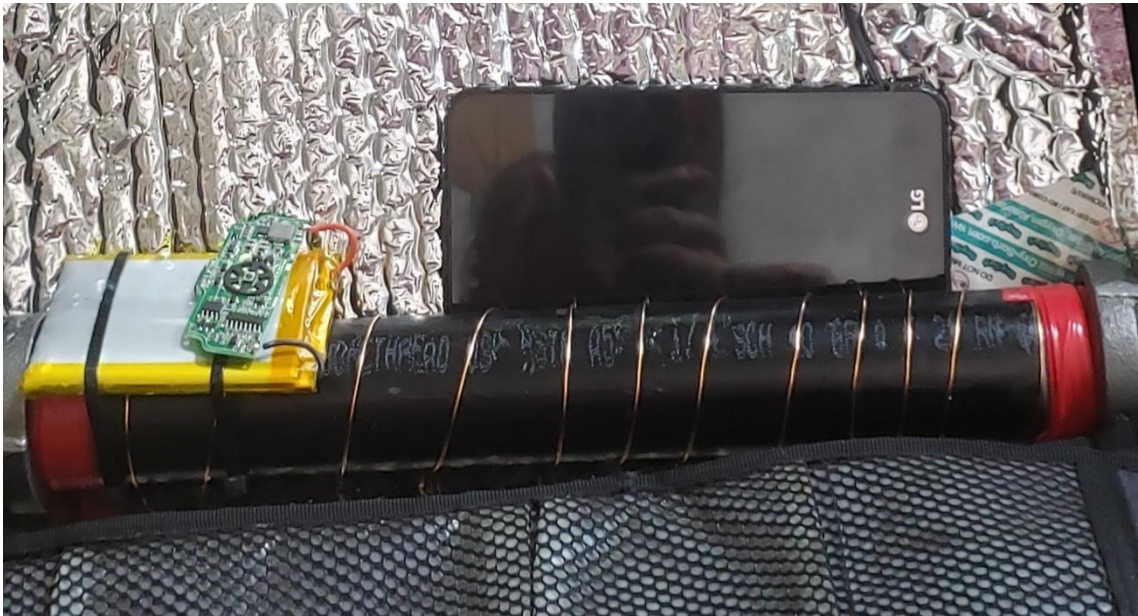
b. Witness-1 has frequently seen WYNBERG in possession of a pistol with an extended magazine and a second weapon that Witness-1 described as an "AR" style rifle, both of which, Witness-1 reports, WYNBERG stores in his trailer.¹

c. Witness-1 has observed WYNBERG firing these firearms on multiple occasions, including at metal targets in the backyard of the Property. On or about July 6, 2020, Witness-1 saw WYNBERG shoot a squirrel using ammunition fired from the "AR" style rifle.

d. In or about May or June 2020, Witness-1 observed WYNBERG testing what appeared to be an explosive in the backyard of the Property. Debris from the explosion caused damage to a table.

e. In or about June 2020, WYNBERG showed Witness-1 what appeared to be an explosive device that he had built. Witness-1 took a photograph of the device, which is depicted below. WYNBERG claimed, in sum and substance, that he could detonate the device from up to five miles away with either his cellular telephone or a remote control.

¹ Based on my training and experience, I believe that when Witness-1 used the term "AR," Witness-1 was referring to the firearms manufacturer ArmaLite, which manufactures a popular semi-automatic assault rifle known as an AR-15.



f. According to Witness-1, WYNBERG has also stated in the past, in sum and substance, that he does not want to go back to prison and will use his pistol to prevent that from happening.

4. Based on my involvement in this investigation, my training, experience, and review of reports prepared by law enforcement officers, including the report of a law enforcement interview of a particular witness ("Witness-2") on or about July 15, 2020, I have learned, among other things, the following:

a. Witness-2 has had multiple in-person interactions with NICOLAUS WYNBERG, the defendant, in 2020. Witness-2 has observed WYNBERG fire ammunition and heard WYNBERG discuss using and purchasing ammunition.

b. In or about 2020, in the presence of Witness-2, WYNBERG declared, in sum and substance, that the United States was overpopulated and that WYNBERG wanted to use violence to reduce the population. Witness-2 has heard WYNBERG discuss killing people with firearms and explosives. WYNBERG has also boasted to Witness-2 about having a rifle that fires multiple types of ammunition.

c. In or about March or April 2020, WYNBERG asked Witness-2 to purchase 5,000 rounds of 5.56mm ammunition for WYNBERG, explaining that he needed a large quantity of ammunition. Around the same time, WYNBERG asked to purchase a .22 caliber rifle from Witness-2. WYNBERG also asked Witness-2 to purchase ammunition-reloading equipment and give it to WYNBERG. Witness-2 declined to purchase the ammunition or ammunition-reloading equipment for WYNBERG and declined to sell WYNBERG the rifle.

d. Witness-2 also has observed WYNBERG discuss, possess, and use firearms and explosive devices. In or about May or June

2020, Witness-2 observed WYNBERG remotely detonate an explosive device that appeared to consist of a pipe with wires protruding from it. Witness-2 described the remote control WYNBERG used to detonate the device as smaller than a cell phone and approximately the size of a garage door opener. Witness-2 has also seen WYNBERG detonate more than two explosive devices outside WYNBERG's trailer.

e. In or about May or June 2020, Witness-2 observed what Witness-2 described as a "medium" sized explosive device, outside WYNBERG's trailer, which appeared to consist of a pipe with wires protruding from it.

f. In or about June 2020, WYNBERG became upset with Witness-2 and pointed a handgun at Witness-2's head. Witness-2 described the handgun as a black pistol with a laser sight mounted on the underside of the barrel.

5. I have reviewed criminal history records for NICOLAUS WYNBERG, the defendant, from which I have learned that on or about September 28, 2016, in Ulster County Court, WYNBERG was convicted of criminal possession of a firearm, in violation of New York Penal Law Section 265.01, a crime punishable by a term of imprisonment exceeding one year. That same day, on or about September 28, 2016, WYNBERG was sentenced to an indeterminate term of sixteen months' to four years' imprisonment and ultimately served approximately twenty-two months' imprisonment.

6. Based on my training, experience, and discussions with a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, I know the following regarding ammunition:

a. In the State of New York, there are no manufacturers of ammunition for retail sale. There have been no manufacturers of ammunition for retail sale in New York State since approximately 1983.

b. While it is possible for firearms users to manufacture their own ammunition, the process for doing so is difficult and can be dangerous, and, as a result, it is far more common for users of firearms to purchase ammunition--as NICOLAUS WYNBERG, the defendant, asked Witness-2 to do for him--than to make it themselves. For example, ammunition includes a primer, which contains highly explosive material that is impossible to obtain commercially without a license.

WHEREFORE, deponent respectfully requests that an arrest warrant be issued for NICOLAUS WYNBERG, the defendant, and that WYNBERG be arrested, and imprisoned or bailed, as the case may be.

/s/ Dominic S. Trippodo (credentials inspected)

DOMINIC S. TRIPPODO

Special Agent

Federal Bureau of Investigation

Sworn to me through the transmission of this complaint by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 15th day of July, 2020 (via FaceTime)

A handwritten signature in black ink, appearing to read 'P. E. Davison', with a long horizontal stroke extending to the right.

THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

NICOLAUS WYNBERG,

Case No. 20 M 7429

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) NICOLAUS WYNBERG,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 922(g)(1) (Unlawful Possession of Ammunition);

Date: 07/15/2020

Issuing officer's signature

City and state: _____

Hon. Paul E. Davison, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*